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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

THE RHODES COMPANIES, LLC, aka
 "Rhodes Homes," et al.,

Debtors.

Case No. BK-S-09-14814-LBR
 (Jointly Administered)

Chapter 11

**EX PARTE MOTION FOR ORDER
 SHORTENING TIME RE:
 MOTION TO APPROVE STIPULATION
 RESOLVING REORGANIZED DEBTORS'
 OBJECTION TO CREDIT SUISSE'S
 MOTION TO COMPEL
 REIMBURSEMENT OF FEES AND
 EXPENSES PURSUANT TO
 CONFIRMATION ORDER AND CASH
 COLLATERAL ORDER**

Affects:

- ☒ All Debtors
☐ The following Debtor(s)

Date: OST Requested
 Time: OST Requested
 Judge: Honorable Linda B. Riegler

CREDIT SUISSE AG, CAYMAN ISLANDS BRANCH¹ ("Credit Suisse"), respectfully submits the following Motion for an Order Shortening Time (the "OST Motion") with respect to Credit Suisse's Motion to Approve (the "Approval Motion") its "Stipulation [Doc. No. 1210] (the "Stipulation") Resolving the REORGANIZED DEBTORS' (the "Reorganized Debtors")² Objection

¹ This entity was formerly known as "Credit Suisse, Cayman Islands Branch," as agent under the first lien Credit Agreement Dated as of November 21, 2005, among Heritage Land Company, LLC, The Rhodes Companies, LLC, and Rhodes Ranch General Partnership, as the Borrowers, the Lenders Listed [Th]erein, as the Lenders, and Credit Suisse, Cayman Islands Branch, as Administrative Agent, Collateral Agent, Syndication Agent, Sole Bookrunner and Sole Lead Arranger (as amended, restated, amended and restated, supplemented, or otherwise modified from time to time, the "First Lien Credit Agreement," and the lenders thereunder, the "First Lien Lenders").

² The "Debtors" in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822);

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[Doc. No. 1164] (the “Objection”) to its Motion to Compel Reimbursement of Fees and Expenses”
 [Doc. No. 1143] (the “Reimbursement Motion”).

This OST Motion is made pursuant to Fed. R. Bankr. P. 2002 and 9006(d), and U.S. District Court for the District of Nevada Local Rules 9006 and 9014(a)(2) in the above-captioned case. This RFS Motion is based upon the attached memorandum of points and authorities, the papers and pleadings on file herein,³ the accompanying Declaration of James B. MacRobbie, Esq. (the “MacRobbie Declaration”), and the underlying proposed pleading on file herein.

DATED this 11th day of August, 2010.

By: 

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Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, a Nevada limited partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C&J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20, LLC (Case No. 09-14848); Tuscany Acquisitions IV, LLC (Case No. 09-14849); Tuscany Acquisitions III, LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, LLC (Case No. 09-14882); Tuscany Golf Country Club (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

³ In determining this OST Motion, the Firm requests that this Court take judicial notice of its entire docket for these Chapter 11 cases. It is well-established that this Court can take judicial notice of matters contained within its own files. Fed. R. Bankr. P. 9017 incorporating Fed. R. Evid. 201; U.S. v. Wilson, 630 F.2d 118, 119 (9th Cir. 1980); In re Blumer, 95 B.R. 143, 146 (9th Cir. B.A.P. 1988); In re Rogers, 278 B.R. 201, 204 (Bankr. D. Nev. 2002); B. Russell, Bankruptcy Evidence Manual, 2006 Ed., § 201.5.

MEMORANDUM OF POINTS AND AUTHORITIES

Local Rule 9014(a)(1) provides that, for most types of motions and applications, a 28-day notice period is required. Fed. R. Bankr. P. 9006(d) together with Local Rules 9006 and 9014(a)(2) provide that the court may, "for cause shown," shorten the time for providing notice of a motion.

Local Rule 9006 implements this provision stating:

(a) In appropriate circumstances and for good cause shown, the court may shorten the time for a notice of intended action, or for serving a motion and holding the hearing thereon.

Fed. R. Bankr. P. 9006(d) and Local Rule 9006(a) specify that such a motion shall be accompanied by an affidavit explaining why an expedited hearing is required and an attorney information sheet indicating whether opposing counsel objects to the hearing on shortened time.

Accompanying this OST Motion is the MacRobbie Declaration, indicating why a hearing is required as soon as possible. An attorney information sheet also accompanies this OST Motion, describing the efforts made to contact counsel for the affected parties. For the reasons in the MacRobbie Declaration, Credit Suisse requests that this Court set a hearing on its Approval Motion at the earliest possible date.

DATED this 11th day of August, 2010.

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